



## 10 Candidate and Referenda Processing

Individuals seeking candidate information and forms must be referred to the SBE's web site: <http://www.sbe.virginia.gov>. Information for candidates (or potential candidates) is under "Candidate Information." SBE posts updated bulletins and forms to that site as soon as they become available. Candidate packets may be purchased from SBE for a \$10.00 prepaid fee (to cover SBE's costs), and include the bulletin and required forms for the office (all of which can also be printed by the candidate from the website for free). Checks made payable to the SBE should be sent to SBE, along with the purchaser's name, address, office sought and, if applicable, district. Packets are processed upon receipt of the payment.

If the individual has questions that you cannot address and is outside the Richmond calling area, please provide SBE's general public toll-free number: (800) 552-9745.

### 10.1 Forms to be Filed by Type of Candidate

Where forms are filed, filing deadlines and petition requirements vary from office to office. Refer to the appropriate Candidate Bulletin for details or Chapter 5 of Title 24.2. Candidates for local office file documents relating to their candidacy with the general registrar.

Special elections are governed by the laws in effect at the time the writ is issued. ([§24.2-101.1](#))<sup>1</sup>

The provisions of the city or town charter (or county charter in Chesterfield, James City, and Roanoke counties only -- no other counties have charters) may address candidate qualifications and filing for local offices other than constitutional offices (for example, for city or town council, city or town mayor, board of supervisors or school board), as well as terms of office, election dates, and filling of vacancies. If the charter provisions are in conflict with general law (i.e. the Code of Virginia), the charter provisions control. (Exception: a general law that includes a phrase such as "notwithstanding any general or special law to the contrary" overrides any conflict in the charter, which is a "special law"). [Current charters](#) are available in the Legislative Reference Section of the Division of Legislative Services website.<sup>2</sup>

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<sup>1</sup> Effective July 1, 2008

<sup>2</sup> Added July 2009

Listed below, by election type, are the qualifying forms and the officer with whom each form is filed:

### **10.1.1 Party Candidates Nominated for Local Offices by Primary**

These candidates must file the following documents with the appropriate political party chair and general registrar no later than the filing deadline set for the primary:

#### **10.1.1.1 With the Political Party Chair:**

- Declaration of Candidacy;
- Petition of Qualified Voters; and
- Receipt indicating payment of filing fee.

#### **10.1.1.2 With the General Registrar:**

- Certificate of Candidate Qualification for the office sought; and
- Statement of Economic Interests, if required for the office sought. Neither an incumbent nor an interim appointee, who filed this document in the election year and is seeking election or reelection to the same office, is required to file it again.

### **10.1.2 Party Candidates Nominated for Local Offices by Other Methods**

The Party's nominee for each local office must file the following documents with the general registrar no later than the filing deadline for the general or special election:

- Certificate of Candidate Qualification for the office sought; and
- Statement of Economic Interests, if required for the office sought. Neither an incumbent nor an interim appointee, who filed this document in the election year and is seeking election or reelection to the same office, is required to file it again.

### **10.1.3 Independent (Non-Party) Candidates for Shared Constitutional Offices**

These candidates must file the following documents with the general registrar of their county or city of residence no later than the filing deadline for the general or special election:

- Declaration of Candidacy;
- Petition of Qualified Voters;
- Certificate of Candidate Qualification for the office sought; and
- Statement of Economic Interests, if required for office sought. Neither an incumbent nor an interim appointee, who filed this document in the election year and is seeking election or reelection to the same office, is required to file it again.

### **10.1.4 Independent (Non-party) Candidates for Local Offices**

These candidates must file the following documents with the general registrar no later than the filing deadline for the general or special election:

- Declaration of Candidacy;
- Petition of Qualified Voters;
- Certificate of Candidate Qualification for the office sought; and
- Statement of Economic Interests, if required for office sought. Neither an incumbent nor an interim appointee, who filed this document in the election year and is seeking election or reelection to the same office, is required to file it again.

SBE prepares all qualifying forms except the Statement of Economic Interests. The Secretary of the Commonwealth prepares the Statement of Economic Interests for local offices. The most current version of the Statement is available either on the Secretary of Commonwealth's website (<http://www.commonwealth.virginia.gov/Forms/index.cfm>) or through the link the State Board of Elections' website (under Candidate Information/Candidate Forms). However, questions related to the proper completion of the Statement must be directed to the Secretary of the Commonwealth's office. Matt Gross is currently tasked with answering those questions. He may be reached at 804-225-2849. The main number for the Secretary of the Commonwealth's office is 804-786-2441, and the main website is <http://www.commonwealth.virginia.gov/>.

### **10.1.5 Independent (Non-party) Candidates for General Assembly**

These candidates must file the following documents with the general registrar of their county or city of residence, the Clerk of the appropriate House and SBE no later than the filing deadline for the general or special election:

#### **10.1.5.1 With the General Registrar:**

- Declaration of Candidacy; and
- Petition of Qualified Voters.

#### **10.1.5.2 With the Clerk of the Senate or House (as appropriate for the office sought):**

Statement of Economic Interests- Neither an incumbent nor an interim appointee, who filed this document in the election year and is seeking election or reelection to the same office, is required to file it again. Questions about the proper completion of the General Assembly Statement must be directed to the appropriate Clerk's Office (Senate Clerk's Office (804) 698-7400 or House Clerk's Office (804) 698-1619). The main number for the Secretary of the Commonwealth's office is 804-786-2441, and the main website is <http://www.commonwealth.virginia.gov/>.

#### **10.1.5.3 With the State Board of Elections:**

- Certificate of Candidate Qualification.

### **10.1.6 Independent (Non-party) Candidates for U. S. Senate, U. S. House of Representatives and Governor, Lieutenant Governor and Attorney General**

These candidates must file the following documents with SBE and, for Governor, Lieutenant Governor and Attorney General, one document with the Secretary of the Commonwealth no later than the filing deadline for the general or special election:

#### **10.1.6.1 With the State Board of Elections:**

- Declaration of Candidacy;
- Petition of Qualified Voters; and
- Certificate of Candidate Qualification.

SBE will set up the Master Petition in VERIS and then forward the petition pages to the appropriate general registrar for verification. The general registrar will add their jurisdiction to the Master Petition in VERIS for each candidate. A locality **MUST ONLY** verify petition signatures of their residents. When verification is complete, the general registrar returns the petitions to the SBE.

#### **10.1.6.2 With the Secretary of the Commonwealth:**

Statement of Economic Interests. Neither an incumbent nor an interim appointee, who filed this document in the election year and is seeking election or reelection to the same office, is required to file it again. Questions related to the proper completion of the Statement must be directed to the Secretary of the Commonwealth's office. Matt Gross is currently tasked with answering those questions. He may be reached at 804-225-2849. The main number for the Secretary of the Commonwealth's office is 804-786-2441, and the main website is <http://www.commonwealth.virginia.gov/>.

## **10.2 How to Process the Forms**

### **10.2.1 Document Review - Local Offices**

When the candidate files documents in person, the general registrar shall review all documents to ascertain that all required forms are included and that each is properly notarized and signed. If there are any deficiencies, the general registrar must immediately inform the filer so that the individual may complete them properly.

The general registrar also must review mailed documents for completeness and accuracy and advise the candidate immediately of any deficiencies.

The candidate must file the Declaration of Candidacy and petitions together. At the time the candidate files, the accompanying petitions must contain at least as many unverified signatures as are required to qualify for the office. The candidate may submit additional petition pages up to, but not beyond, the deadline for filing.

- ❗ If a candidate fails to correct any deficiencies prior to the deadline to file for election, the candidate must be disqualified.

SBE recommends providing the filer with a receipt indicating the filing of, or the failure to file, any required document. (See optional general or special and primary receipts).

SBE recommends adding the Candidate in VERIS as soon as the registrar's office receives the first piece of information on a candidate. This will allow tracking of the filing of the required documents.

### **10.2.2 Turnaround Time**

Declarations and petitions filed with the registrar's office by independent (non-party) candidates for local offices to be certified by the electoral board must be transmitted to that board within three days of receipt. Therefore, it is imperative that the general registrar process any filings immediately.

Timely processing will provide the local electoral board ample time within which:

- to notify any candidate who requested in writing to be notified of deficiencies in his/her filings; and
- to certify qualified candidates to SBE by the required deadline.

Further, it will ensure that SBE receives the candidate information necessary:

- to verify accuracy of electoral boards' candidate certifications;
- to assemble data needed for candidate processing and ballot designs;
- to provide materials needed by electoral boards for ballot preparation;
- to communicate as needed with potential candidates; and
- to post lists to the SBE website for access by interested persons.

### **10.2.3 Processing the Certificate of Candidate Qualification**

The Certificate of Candidate Qualification may be filed no earlier than January 2 of the election year and no later than the filing deadline for the election.

Exception: City Council candidates for a primary election held in March (February, in presidential election years) may file it in the December preceding the election year.

Each candidate for local office must file a Certificate. There are two forms for local offices:

- Local Offices – clerk of court, commonwealth's attorney, sheriff, commissioner of revenue, treasurer, soil and water conservation director; chairman or member of the board of supervisors, county board or school board.
- City or Town Officer – city mayor, city council, city school board, town mayor, town council, town school board, town recorder and town treasurer.

### 10.2.3.1 Verification of Certificate of Candidate Qualification

Immediately upon receipt of a Certificate of Candidate Qualification, the general registrar must verify that:

- the form is complete, signed and notarized;
- the candidate is registered at the address listed on the form;
- the address is in the district in which the candidate seeks election; and
- the manner in which the candidate has requested the name to be listed on the ballot meets the requirements detailed below.
- If the name the candidate wants on the ballot complies with the requirements, enter the information into VERIS under "Candidate Maintain." If the candidate entry does not already exist in VERIS, add the candidate and choose the office the candidate is seeking (which must already exist in VERIS). Enter the receipt and verification of all forms for the candidate in VERIS in order to qualify the candidate for the ballot.

#### **How Name May Appear on the Ballot**

**Length:** The entire name to appear on the ballot must not exceed 25 spaces, including any punctuation and spaces between names.

**Titles:**

- No titles [Rev., Dr., Mr., Mrs., etc.] are to be used, either before or following the candidate's name.
- A woman must use her given name, not her husband's, and without a "Mrs." in front of a name.

✱ Mary L. Jones not Mrs. John W. Jones.

**Criteria:**

- First name or initial or familiar form of first name (see example below)
- Middle name or initial or familiar form of middle name
- Nickname should be other than form of first or middle name and must appear within quotation marks
- Last name
- Suffix, if one: Sr. is optional. All other suffixes must be used since they appear on a person's birth certificate and are part of the person's legal name.

If the name the candidate wants on the ballot includes either a first or middle name or suffix that is not shown on his/her registration record in VERIS, the general registrar must:

- contact the candidate by telephone;
- verify that the first or middle name or suffix missing from the VERIS record is, in fact, part of the candidate's legal name;

- ❗ A nickname can never replace the full name shown on the voter's VERIS record unless the name was changed by order of a Court
  - add the missing information to the registrant's record in VERIS; and
  - enter the information into VERIS under "Candidate Maintain." If the candidate entry does not already exist in VERIS, add the candidate and choose the office the candidate is seeking (which must already exist in VERIS). Enter the receipt and verification of all forms for the candidate in VERIS in order to qualify the candidate for the ballot.

If the name does not comply, the general registrar must:

- contact the candidate by telephone;
- explain the deficiency; and
- print the name decided upon above the name entered on form by candidate (it is recommended that the general registrar also initial and date the change).

#### Examples of deficiencies:

- Robert L. Jones registered as Robert Leroy Jones, Jr.
  - Only the name suffix "Sr." may appear at the candidate's option. All other name suffixes must appear on the ballot.
- Spanky Smyth registered as Thomas Wendell Smyth III.
  - Spanky is a nickname that is not a form of his given name. Candidate must appear on ballot either as:
    - Thomas Wendell Smyth III;
    - Thomas W. Smyth III;
    - T. Wendell Smyth III;
    - T. W. "Tom" Smyth III;
    - Thomas W. "Tom" Smyth III;
    - Tom W. Smyth III (Tom is a familiar, commonly used, form of Thomas. He can appear on the ballot in this manner without quotation marks);
    - T. W. "Spanky" Smyth III; or
    - T. W. Smyth III (initials for BOTH the first and middle names may be used ONLY when the initials ARE ALSO the nickname).

The following meets the requirement for how a name may appear on the ballot but the name requested is not valid for this person.

- Mary Ann Westmoreland - registered as Mary Mitchell Westmoreland.<sup>1</sup>
  - When called by the registrar, the candidate states that Ann is her middle name even though her voter registration reads, "Mary Mitchell." The candidate name must match the name on their voter registration. Therefore, this candidate may only appear on the ballot as Mary Mitchell

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<sup>1</sup> Updated 07/07

Westmoreland. Alternatively, the candidate may submit an updated voter registration application to change her name to Mary Ann Mitchell Westmoreland.

#### **10.2.3.2 Retention of Forms**

Keep the forms in alphabetical order by office and year in appropriately labeled file folders. These documents must be retained for the period prescribed in the LVA Retention Schedule and destroyed following the instructions therein.

#### **10.2.4 Processing the Statement of Economic Interests**

The Statement of Economic Interests must be filed by:

- all candidates for constitutional offices;
- candidates for school board and local governing body in any city and in any county other than Highland; and
- candidates for other city offices and for town offices in the following towns:
  - Abingdon, Ashland, Big Stone Gap, Blacksburg, Blackstone, Bluefield, Bridgewater, Chincoteague, Christiansburg, Culpeper, Dumfries, Farmville, Front Royal, Herndon, Leesburg, Luray, Marion, Orange, Pulaski, Purcellville, Richlands, Rocky Mount, Smithfield, South Boston, South Hill, Strasburg, Tazewell, Vienna, Vinton, Warrenton, Woodstock, and Wytheville.
- Candidates for Soil and Water Conservation Director are not required to file this Statement.

It may be filed no earlier than January 2 of the election year and no later than the filing deadline for the election. However, candidates for party nomination for city offices in a primary election held in March (February in presidential election years) may file it in the December preceding the election year.

Candidates for re-election to the same office need not re-file this form if they met the requirement for filing as elected officeholders in January of the election year. A person who is appointed to fill a vacancy is required to file the Statement as a condition to assuming office. The appointee is not required to file another Statement of Economic Interests if he/she becomes a candidate in the Special Election to fill the vacancy.

These documents must be retained for the period prescribed in the LVA Retention Schedule and destroyed following the instructions therein.

##### **10.2.4.1 Public Inspection**

All candidate filings, including petitions and copies of Statement of Economic Interests forms, without the social security number (or any parts) displayed are open to public inspection and copying for reasonable costs. (See Chapter 26, Virginia Freedom of Information Act).



## 10.2.5 Verification of Petitions

A general registrar must check petitions filed by (i) groups seeking to get a referendum authorized by law on the ballot, (ii) independent (non-party) candidates for all offices in general or special elections, and (iii) if so requested by the party chair or the candidate, by candidates for nomination for all offices by political party primary or other nominating method approved by the political party.

The procedures set forth below apply to all candidate petitions:

- Affidavit;
- Circulator;
- Number of Signatures; and
- Certification.

For referendum petitions, follow the procedures in Items 10.2.5.1; 10.2.5.3, 10.2.5.4, 10.2.5.5 and 10.2.5.6 only

### 10.2.5.1 How to Number the Pages

In order to expedite verification of petitions, implement the following procedure:

- When any candidate files a declaration of candidacy and petitions, the receiving registration office must:
  - number the front of first page 1-A

1-A		COMMONWEALTH OF VIRGINIA PETITION OF QUALIFIED VOTERS
<u>Jonathan Q. Independent</u> NAME OF CANDIDATE [SHOULD BE AS IT IS TO APPEAR ON BALLOT]		[Must be filed with Declaration of Candidacy]
<u>2211 Quiet Place</u> RESIDENT ADDRESS OF CANDIDATE		When an election district includes more than one county or city, it is suggested that you use a <u>separate</u> petition form for qualified voters in each county or city to facilitate the processing of the filing.
<u>Somewhere VA</u> CITY/TOWN	<u>22193</u> ZIP	For a statewide office It is suggested that you file petitions in county/city order to facilitate the processing of the filing. If you track the number of signatures by congressional district enter district no.: ____ [optional].
<u>Member, House of Delegates</u> OFFICE SOUGHT	<u>86<sup>th</sup> District</u> DISTRICT, IF APPLICABLE	

- number the back of first page 1-B followed by the candidate's name

CONTINUED FROM REVERSE SIDE

**1-B**

Jonathan Q. Independent

<p><b>CIRCULATOR:</b> MUST SWEAR OR AFFIRM IN THE AFFIDAVIT BELOW THAT S/HE RESIDES IN AND EITHER IS, OR IS ELIGIBLE TO BE, A REGISTERED AND QUALIFIED VOTER OF THE DISTRICT IN WHICH THE CANDIDATE SEEKS OFFICE AND THAT S/HE PERSONALLY WITNESSED EACH SIGNATURE.</p> <p><b>SIGNER:</b> YOUR SIGNATURE ON THIS PETITION MUST BE YOUR OWN AND DOES NOT SIGNIFY AN INTENT TO VOTE FOR THE CANDIDATE. YOU MAY SIGN PETITIONS FOR MORE THAN ONE CANDIDATE.</p>				
OFFICE USE ONLY	<p><b>SIGNATURE OF REGISTERED VOTER</b></p> <p>[PRINT NAME IN SPACE BELOW SIGNATURE]</p>	<p><b>POST OFFICE BOXES <u>ARE NOT</u> ACCEPTABLE</b></p> <p><b>RESIDENT ADDRESS</b></p> <p>House Number. and Street Name <b>or</b> Rural Route and Box Number and City/Town</p>	<p><b>DATE SIGNED</b></p>	<p>*SEE NOTE BELOW</p> <p><b>SOCIAL SECURITY NUMBER</b></p> <p>[OR LAST FOUR DIGITS]</p>

- number remaining pages sequentially in like manner;
- make copies of those documents;
- contact the Election Services Division so SBE can enter the Master Petition in VERIS; and
- fax petition pages for other cities or counties in the district immediately to all other registration offices in the district. Include with the faxed documents the name of the contact person for the campaign, the phone number for the contact person and the date filed so the other jurisdictions may add themselves to the Master Petition.

#### 10.2.5.2 Declaration of Candidacy

Verify that the candidate is a qualified registered voter, or if the books are closed, that the registration application or change of address/transfer application is on file with your office for processing once the books reopen. If the Declaration of Candidacy is witnessed rather than notarized, verify that the two witnesses are also qualified registered voters. If not, the candidate must file a new declaration prior to the filing deadline. (See explanation of "registered" ("R") in 10.2.5.5).

#### 10.2.5.3 Affidavit

If the affidavit on the reverse side of the petition page is not notarized, then the signatures on that page cannot be counted. If the affidavit is complete and notarized, continue to follow the procedures set. If the affidavit is incomplete or not signed by the circulator but it has been notarized, the petition page must be processed as set forth below. A candidate cannot be penalized for a notary's failure to ensure that the affidavit has been completed before he notarizes the petition page. (§[55-118.5](#)).

#### 10.2.5.4 Circulator

The person who circulated the petitions must be either a qualified voter or qualified to register to vote for the office for which he is circulating the petitions. (§[24.2-506](#)). If the circulator fails to meet the requirement, all other signatures on that petition page must be disqualified. (See explanation of "registered" ("R") in 10.2.5.5).

Check the registration of the circulator who signed the affidavit at the bottom of each petition page. For a statewide or congressional office, the SBE will determine the circulator's eligibility before forwarding the petitions to the general registrars for verification.

① Note: Congressional candidates do not need to reside within their district (only the state) to run for office but must reside within their district to circulate their own petitions. *See Wood v Quinn...*

① Note: SBE is working on guidance documents regarding the processing of petitions. When these guidance documents are developed, the information will be included here along with instructions to obtain them from SharePoint.


#### **10.2.5.5 Verification of Signatures**

Once the circulator is determined to be a person who is either a registered voter or who is eligible to be a registered voter in the district of the office for which he is circulating the petition, the names of all other persons on that page are then checked.

① Note: SBE is working on guidance documents regarding the processing of petitions. When these guidance documents are developed, the information will be included here along with instructions to obtain them from SharePoint.

As each name is checked in VERIS, indicate in the left margin beside the line number for the signer one of the following, as appropriate:

- R      REGISTERED: For a person registered in your county or city and in the election district for which the petition was circulated.
- The person who signs a candidate's petition must be a registered voter at the time the petition was filed by the candidate. The petition search results grid in VERIS will return only those registered voters who were registered on or before the date the petitions were filed.
  - A person who signs a petition for a referendum must be a registered voter both at the time the petition was signed (see DATE SIGNED column on petition) and at the time is validated by the registrar. (§[24.2-684.1\(7\)](#)).
  - If the address provided by the petition signer is different from the address on record but the general registrar has sufficient information to determine that this signature is valid for the office for which the petition is circulated, the registrar may count it. As confirmed with our Assistant Attorney General, the decision is the registrar's to make.
- I      INACTIVE: For a person who is on inactive status because the voter failed to respond to a confirmation notice or whose record is on pending status.

 If the voter gives an address on the petition that differs from the address where the person is registered to vote, the registrar must initiate a confirmation mailing. (§[24.2-428.1](#));

NR NOT REGISTERED: For a person not registered in the candidate's election district;

RNQ REGISTERED - NOT [A] QUALIFIED [SIGNATURE]: For a person who is registered at the address shown on the petition but the address is in another election district, or for a person who registered after the date on which the candidate filed the petition. (See additional requirement for referendum petitions under R above);

DUP DUPLICATE: For a duplicate name already counted due to its appearance on a previous page of the candidate's petition; or

CI CANNOT IDENTIFY: For a person who cannot be identified because the name is not legible or there is more than one registered voter with the same name and none are at the address shown on the petition.

#### **10.2.5.6 Number of Signatures Required**

When the number of names marked with "R" equals the number required, no further names need be checked. VERIS will automatically halt further selections and will lock the petition. If the registrar finds that he or she made an error and needs to remove one or more signatures, the registrar must contact SBE to unlock the petition which will allow further processing.

The number of registered voters as of January 1 is used for all signature requirements that are based on the number of registered voters in any county, city, town, district, or ward. (§§ [24.2-506](#) and [24.2-521](#)).

##### General Assembly Candidates:

For Senate of Virginia: two hundred fifty (250) signatures are required.

For House of Delegates: one hundred twenty-five (125) signatures are required.

##### Local Office Candidates:

One hundred twenty-five (125) signatures are required. Exceptions:

- for membership on a local governing body or the school board of a county or city from an election district not at large containing 1,000 or fewer registered voters, fifty (50) signatures are required;
- for membership on a local governing body or the school board from a ward or other district not at large in a town which has more than 1,500 registered voters, twenty-five (25) signatures are required; and

- for membership on a local governing body or the school board of a town that has 1,500 or fewer registered voters, no petition is required.

Soil and Water Conservation District Director:

- Twenty-five (25) signatures are required.

Local Referenda:

[Requirements](#) differ as to the number of signatures needed for the various referenda authorized by law. Call the SBE for information as to the specific number required.

## **10.3 Required Communications**

### **10.3.1 General Registrar Certification to Political Party Chair**

A political party chair may request that the general registrar verify the declaration of candidacy and petitions filed by a candidate for party nomination.

If so requested, the general registrar must check these forms and return them to the political party chair as quickly as possible, certifying the registration status of the candidate, the completeness of the declaration of candidacy and the number of signatures of registered voters that appear on the petitions submitted. To accomplish the petition verification for local offices in VERIS, create a candidate, create a Master Petition, and create the Petition through which to verify signatures; for a General Assembly candidate, contact SBE which will create the candidate record and the Master Petition.

### **10.3.2 General Registrar Certification to Local Electoral Board**

The general registrar must check the declaration of candidacy and petitions, if required, of all independent (non-party) candidates for offices to be certified by the local electoral board. Within three days of receipt the general registrar must transmit these documents to the electoral board together with the certification of the registration status of the candidate, the completeness of the declaration of candidacy and either (i) that the petitions contained the required number of signatures of qualified voters for the office sought or (ii) that the petitions did not contain a sufficient number of signatures of qualified voters, listing the number found.

The general registrar certifies the signatures of registered voters that appear on petitions of independent (non-party) candidates for the following offices:

- Clerk of Court, when not shared with another county or city;
- Commonwealth's Attorney, when not shared with another county or city;
- Sheriff, when not shared with another county or city;
- Commissioner of Revenue;
- Treasurer, when not shared with another county or city;
- Soil and Water Conservation Director;
- Chairman or Member, Board of Supervisors or County Board;
- Chairman or Member, School Board;
- Mayor, City or Town; and

- Member, City or Town Council.

### **10.3.3 General Registrar to other General Registrars**

Non-party candidates for General Assembly: Contact a member of the Election Services Division to alert SBE of the filing. Request the creation of a Master Petition for the candidate. Within three days of receipt, the general registrar must transmit copies of these documents to the general registrar of each county and city in the Senate or House district. For special elections for such offices called by the Governor, the President Pro Tempore of the Senate or the Speaker of the House of Delegates, copies must be faxed immediately after the filing deadline for the office. Include with the transmitted information the name of the contact person for the campaign, the phone number for the contact person and the date filed so the other jurisdictions may add themselves to the Master Petition.

### **10.3.4 General Registrar Certification to State Board of Elections**

The general registrar must certify to the SBE, on the forms provided, the number of registered voters in the county or city which appear on petitions for independent candidates for these offices:

- Senate of Virginia;
- House of Delegates; and
- Constitutional Offices shared by one or more counties and/or cities.

The totals recorded by VERIS are used for the offices of United States Senate, United States House of Representatives, Governor, Lieutenant Governor, and Attorney General. No separate certification is required.

If requested in writing by a candidate for the General Assembly or a shared constitutional office, the general registrar or secretary of a local electoral board should notify the candidate of any deficiencies in the Declaration of Candidacy that can be corrected prior to the filing deadline. If so requested, the general registrar may advise the candidate as to the number of valid signatures identified on petitions. Otherwise, neither the general registrar nor the local electoral board is to initiate any contact with any candidate for these offices concerning the validity of their petitions.

### **10.3.5 Local Electoral Board Notification to Candidate of Deficiencies**

For the local offices set forth in Certification to local electoral board above, there are certain situations that may require the local electoral board to communicate with the prospective candidate as follows:

#### **10.3.5.1 Prior to Filing Deadline**

When requested by a candidate who files prior to the filing deadline, the local electoral board must send notification of any deficiencies or discrepancies in the candidate's Declaration of Candidacy or petitions that can be corrected prior to the filing deadline.

#### **10.3.5.2 After the Filing Deadline**

Whenever a candidate must be disqualified because of deficiencies in the candidate's Declaration of Candidacy or petitions, the local electoral board must notify the candidate of the disqualification in writing.

When the disqualification is a result of insufficient signatures on the candidate's petitions, the electoral board must enclose copies of the petitions without social security numbers as marked by the general registrar with the letter. No appeal of disqualification is provided by law. Therefore, no appeal process may be provided by either the SBE or the local electoral board.

#### **10.3.6 Local Electoral Board Certification to State Board**

Shortly before the filing deadline for any local office, the SBE will post to the secure website the combined certification form required to certify candidates for each office on the ballot for the election.

Immediately after any filing deadline, the general registrar and secretary of the electoral board must certify to the SBE, on these forms, all qualified candidates. Forms may be faxed to the Election Services Division at (804) 225-3706.

The names of any disqualified candidates with the reason for the disqualification must also be entered in the space provided on the prescribed forms. The electoral board must **not** disqualify any candidate for failure to file either the Certificate of Candidate Qualification or, if required, the Statement of Economic Interests. (See below).

#### **10.3.7 State Board of Elections Verification of Candidates for Local Offices**

Upon receipt of the local electoral board's certification of qualified candidates for local offices, the SBE uses the information provided by the general registrar to determine whether such candidates have filed other required qualifying forms.

If any candidate for local office has failed to file either a Certificate of Candidate Qualification or a required Statement of Economic Interests, the SBE must notify the candidate of this deficiency and provide ten days in which the missing form(s) may be filed. In lieu of this process, the SBE may ask that the general registrar, as the agent of the SBE, to contact the candidate and inform the candidate that he/she has failed to file either or both of these documents and must file them by the close of business on the day after the call to avoid disqualification.

#### **10.3.8 State Board of Elections Certification to Locality**

When all the required candidate forms, certifications, and generic forms of the official paper ballot (See Chapter 15) are complete, the SBE will certify to each electoral board the names of all candidates for all offices and the order in which they are to appear on the ballot.

## 10.4 Certification of Local Referenda

An individual or group seeking to place a referendum on the ballot may do so only by following the procedures set forth in §[24.2-684.1](#) and the provisions of the Code of Virginia, special law, or city, town or county charter which authorize putting the question on the ballot.

First, an individual, who is a qualified voter of the county or city, representing either a group or acting alone, must file a copy of the petition form to be used that includes the question as it is to appear on the ballot with the clerk of circuit court. The individual must also file a statement that contains his/her name, address and the group he/she represents (if any). These documents cannot be filed earlier than the effective date of the law authorizing the referendum for which the petition is to be circulated. The clerk must certify to the filer, within ten days, that the petition copy and statement have been received and accepted.

The individual then circulates the petitions and files them with the clerk within nine months of the clerk's certification. All signatures on the petitions must be dated on or after the date of the clerk's certification.

In addition, petitioners should be aware that any court order for a referendum must be entered at least eighty-one days before the date of the election and the court must provide the general registrar sufficient time for verifying the petitions before an order can be entered.<sup>1</sup> [It is for this reason that the most recently enacted referendum statute -- the one which authorizes petitions to be circulated for the referendum on an elected school board -- requires that the petitions be filed with the court at least ninety days before the date of the general election at which this special election would be held.]

Persons who sign any referendum petition must have been registered voters in the jurisdiction for which the petition is circulated both at the time they signed the petition and at the time the registrar validates the signatures. The circulator of each petition page must be a person who is, or who is eligible to be, qualified to vote in the referenda election. The circulator must witness the signature of each person who signs the page and must sign an affidavit to that effect on each page of the petition.

The SBE provides a generic petition form but petitioners may choose to develop their own as long as it provides all the information required by law.

The general registrar may be asked to check petitions by the clerk after they have been filed or by the individual(s)/group circulating the petitions before filing them. In either case, the general registrar must number the petition pages consecutively in the same manner as candidate petitions, and place his/her initials below each page number. The referendum must be established in VERIS before a Master Petition for the referendum can be started.

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<sup>1</sup> Updated 7/2010 (HB 104)



The general registrar must check the petitions as quickly as possible and return them to the individual(s)/group or clerk as appropriate. Further, the general registrar must provide a written certification of the number of signatures of registered voters that appear on the petitions to the individual(s)/group or clerk, as appropriate.

Persons seeking any information concerning referenda to be placed on the ballot are to be provided the toll-free number of the SBE.

## **10.5 Candidate Management**

If local offices do not already exist in VERIS, the registrar must set up local offices for local candidates in VERIS. Set up includes listing whether the office is a local office, the term of the office, the district the office represents, the number of petition signatures necessary, the next general and primary election dates, and the forms that are required to be filed as qualifications for that office.

The registrar must also create or enter information for each local candidate that files forms and petitions with the local registrar. This will require entering what office the candidate is seeking and therefore, based upon the office qualifications and parameters entered above, what forms are required to qualify as a candidate. The registrar must enter all forms and petitions submitted by the candidate into VERIS.

If the candidate record has not already been created in VERIS, the general registrar should do so as soon as the Certificate of Candidate Qualification has been reviewed and approved or after resolution of any discrepancies in the manner in which the candidate's name is to appear on the ballot.

Enter the candidate's name in the manner that it will appear on the ballot in the "Ballot Name" field. The "Ballot Name" entered will appear on SBE's Candidate Certifications and on its Candidate Lists posted to the public website. Use mixed case (i.e., upper and lower case, not all caps) when entering the candidate's ballot name and include all required punctuation, e.g., John P. "Joe" Dixon, Jr. SBE staff time wasted asking for corrections to improperly entered Ballot Names will delay Candidate Certification distribution. Please take care to enter the Ballot Name properly the first time.

Use the "Status" field on the "Candidate Maintain" page to indicate whether the candidate is "In Process" (not yet qualified but in the process of trying to qualify), "Qualified" (qualified for the ballot), "Not Qualified" (failed to qualify for the ballot), "Unopposed" (not challenged in a Primary), "Deceased," "Deleted," or "Withdrawn."

The "Unopposed" status must only be used for uncontested primary candidates. The selection of the "Unopposed" status triggers VERIS to remove the office associated to the candidate from all pre and post primary election functionality and from primary reports. Once the primary certification process ends, use the Copy candidate to another election functionality to create a November candidate record from the "Unopposed" June candidate record. The status of the November candidate record is "Qualified."

Whenever a candidate's name remains on the ballot because the candidate died or withdrew after the ballots were printed, the Status field must continue to display "Qualified." This will ensure that the candidate's name appears on the election results screen to allow entry of the votes cast for such candidate.

Use the check boxes in the "Candidate Qualification" section of the page to indicate when each of the required qualifications is met. Do not select "Qualified" as the candidate's status unless all of the available Candidate Qualification check boxes are checked as met. It is imperative that all candidate information be entered before the combined general registrar/electoral board candidate certification is provided to the SBE.

### **10.5.1 Candidate Withdrawal**

Any candidate who decides that he/she no longer wants to be a candidate must withdraw in writing (either letter or E-mail is acceptable). The withdrawal must include the candidate's name, the candidate's signature, the office the candidate was seeking and the election date and must specifically state that he/she is withdrawing as a candidate. It must be addressed to the appropriate authority. Newspaper articles or press conferences do not constitute an official notice of withdrawal.

When the candidate is a political party nominee, the letter is addressed to the appropriate political party chair. Either the candidate or the party chair should fax a copy of the withdrawal letter both to the SBE and to the secretary of the electoral board at the office of the general registrar. Subsequent procedures for withdrawal of a primary candidate are delineated in §§ [24.2-536](#) through [24.2-538](#); while procedures applicable to the withdrawal of a general or special election political party nominee are in §§ [24.2-539](#) and [24.2-540](#).

When the candidate filed as an Independent, the letter is addressed to the secretary of the electoral board and given to the general registrar (except in Loudoun County where the secretary of the electoral board serves full time).

When the general registrar receives a notice that one of the candidates certified by the general registrar and electoral board has withdrawn, change the candidate "Status" to "Withdrawn" on the "Candidate Maintain" page in VERIS. EXCEPTION: Whenever a candidate's name remains on the ballot because he withdrew after the ballots were printed, the Status field must continue to display "Qualified." This will ensure that the candidate's name appears on the election results screen to allow entry of the votes cast for such candidate.

If the general registrar or electoral board receives a notice of withdrawal from a candidate certified by SBE (for example, a candidate for a shared constitutional office, general assembly, federal or statewide office), that notice should immediately be faxed to the Election Services Division at (804) 225-3706 with a cover sheet indicating who received it and when.

The SBE determines, based on the time available before the election and the status of the ballots for the election, whether or not ballots containing the name of the withdrawn candidate must be reprinted.

If the SBE decides that the name will remain on the ballot, it will provide to the secretary of the electoral board and the general registrar a notice explaining that the candidate's withdrawal occurred after the ballots were printed and, therefore, the name remains on the ballot. This notice is provided in two sizes. One will be of a size that fits inside the envelope transmitting ballots by mail to an absentee voter; the other is 11 x 8-1/2" and must be posted within the confines of the voting booth to advise in-person voters of the withdrawal.

- ① Votes cast for the withdrawn candidate whose name remains on the ballot must be counted and, if that individual receives the most votes, must be certified by the electoral board as the person elected to the office.